

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Colin Caro et al.
FOR : **HELICAL STENT**
SERIAL NO. : 10/549,355
FILED : September 14, 2005
EXAMINER : Unknown
ART UNIT : Unknown
CONFIRMATION NO. : Unknown
ATTORNEY DOCKET NO. : **DEHN 2 00009**

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO-1449 is enclosed herewith.

This Information Disclosure Statement should not be construed to be an admission that any information referred to herein or submitted herewith is "prior art" or is considered to be material to patentability for this invention.

The United States Patent and Trademark Office OG Notice dated 12 October 2004 published a final rule revising 37 C.F.R. 1.98 dealing with the content of Disclosure Statements. Paragraph (a)(2) was revised to read in part, "A legible copy of: (i) Each foreign patent; (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the

Office." Therefore, Applicant(s) has (have) not enclosed copies of the cited U.S. patents and published patent applications with this Information Disclosure Statement.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement should not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

☒ Under § 1.98(a)(3), a concise explanation of relevance is required for information that is not in the English language. Accordingly, the English language documents have no further explanation.

☒ Some of the cited and/or included documents were cited by the British Patent Office or various searches in related applications. Copies of three search reports are enclosed.

Document AQ, the French '015 application, pertains to an artificial ureter or urethra 1 which has a helical rib 2 in the outside wall to prevent creasing. This document was listed as a category X reference in the 18 August 2003 search of the British Patent Office.

Document AR, the French '945 document, pertains to a tube 1 having helically extending ribs 4, as is evident from Figure 1.

Document AS, the French '502 publication, pertains to a synthetic vascular graft, including a main tube and a pair of tubes 6 and 7 protruding away from the main tube at an angle A, as is evident from Figure 1.

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

☒ WITHIN THREE MONTHS OF FILING: Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application (or date of entry of the national stage). Although it is believed no fee is necessary, any deficiency in fees should be handled as set forth below.

☐ BEFORE FIRST OFFICE ACTION: Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be handled as set forth below.

☐ **BEFORE FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSES PROSECUTION/WITH STATEMENT:** Under § 1.97(c)(1), this information shall be considered if filed before the mailing date of a final action, or a Notice of Allowance or action that otherwise closes prosecution in the application if accompanied by the statement:

Under § 1.97(e)(1), the undersigned states:

☐ A. that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

☐ B. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

☐ **BEFORE FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSES PROSECUTION/WITH FEE:** Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement, as set forth below.

☐ **AFTER FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSES PROSECUTION/AND ON OR BEFORE PAYMENT OF THE ISSUE FEE:**

1. Under § 1.97(e)(1), the undersigned states:

☐ A. that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

☐ B. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated

in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement; **and**

2. ☐ the fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement, as set forth below.

☐ **PRIORITY CLAIM:** The attached PTO 1449 Form includes all patents, publications, or other information previously cited by or submitted to the Office in one or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of this application.


Any payment due for the filing of this Information Disclosure Statement is authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. **If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.**

It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

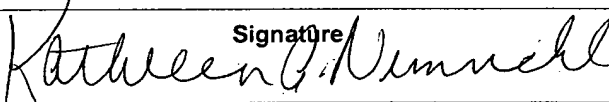
December 2, 2005
Date


Jay F. Moldovanyi, Reg. No. 29,678
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION

I certify that this Information Disclosure Statement and accompanying document(s) are being

- ☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted to facsimile number under 37 C.F.R. 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	 Signature
Date: December 2, 2005	Printed Name: Kathleen A. Nimrichter

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S) DEC 08 2005 SHEET 1 OF 2		Complete if Known	
		Application Number	10/549,355
		Filing Date	September 14, 2005
		First Named Inventor	Caro et al.
		Art Unit	Unknown
		Examiner Name	Unknown
		Attorney Docket No.	DEHN 2 00009

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	AA	US-4,596,548	06-24-1986	DeVries et al.
	AB	US-5,156,619	10-20-1992	Ehrenfeld
	AC	US-5,618,299	04-08-1997	Khosravi et al.
	AD	US-5,653,745	08-05-1997	Trescony et al.
	AE	US-2002/0022877 A1	02-21-2002	Mueller et al.
	AF	US-2002/0035390 A1	03-21-2002	Schaldach et al.
	AG	US-2002/0049487 A1	04-25-2002	Lootz et al.

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document Country Code-Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T
	AM	EP 0 612 536 B1	12-29-1999	Minnesota Mining and Manufacturing Company	<input type="checkbox"/>
	AN	EP 0 699 423 A2	03-06-1996	Meadox Medicals, Inc.	<input type="checkbox"/>
	AO	EP 1 042 997 A1	10-11-2000	Cordis Corporation	<input type="checkbox"/>
	AP	EP 1 127 557 A1	08-29-2001	EndoArt S.A.	<input type="checkbox"/>
	AQ	FR 2 248 015 A1	05-16-1975	Rhone-Poulenc	<input type="checkbox"/>
	AR	FR 2 657 945 A3	08-09-1991	Lee	<input type="checkbox"/>
	AS	FR 2 666 502 A1	03-13-1992	Roux	<input type="checkbox"/>
	AT	GB 2 092 894 A	08-25-1982	Thoratec Laboratories Corporation	<input type="checkbox"/>
	AU	GB 2 298 577 A	09-11-1996	University of Bristol	<input type="checkbox"/>
	AV	GB 2 344 053 A	05-31-2000	The Imperial College of Science, Technology & Medicine	<input type="checkbox"/>

OTHER - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published	T
	AW	Min Invas Ther & Allied Technol 2002: 11(4) pages 173-178, Entitled: A Comparison of Balloon- and Self-Expanding Stents.	<input type="checkbox"/>
	AX	Min Invas Ther & Allied Technol 2002: 11(4) pages 137-147, Entitled: A Survey of Stent Designs	<input type="checkbox"/>
	AY	Eur. J. Vasc. Endovasc. Surg 24, pages 13-22 (2002), Entitled: External Supports and the Prevention of Neointima Formation in Vein Grafts	<input type="checkbox"/>

Examiner Signature		Date Considered	
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	Art Unit	Unknown
	Examiner Name	Unknown
Sheet 2 of 2	Attorney Docket No.	DEHN 2 00009

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	BA			
	BB			
	BC			
	BD			
	BE			
	BF			
	BG			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code-Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T
	BM	WO 95/09585 A1	04-13-1995	Imperial College of Science, Technology & Medicine	<input type="checkbox"/>
	BN	WO 95/35072 A2	12-28-1995	W.L. Gore & Associates, Inc.	<input type="checkbox"/>
	BO	WO 97/24081 A1	07-10-1997	Ramus Medical Technologies	<input type="checkbox"/>
	BP	WO 98/26731 A2	06-25-1998	Atrium Medical Corporation	<input type="checkbox"/>
	BQ	WO 98/26731 A3	06-25-1998	Atrium Medical Corporation	<input type="checkbox"/>
	BR	WO 98/53764 A2	12-03-1998	Imperial College of Science, Technology & Medicine	<input type="checkbox"/>
	BS	WO 00/38591 A2	07/06/2000	Tayside University Hospitals NHS Trust	<input type="checkbox"/>
	BT	WO 00/38591 A3	07/06/2000	Tayside University Hospitals NHS Trust	<input type="checkbox"/>
	BU	WO 01/45593 A1	06-28-2001	Imperial College of Science, Technology & Medicine	<input type="checkbox"/>
	BV	WO 01/89420 A2	11-29-2001	Advanced Bio Prosthetic Surfaces, Ltd.	<input type="checkbox"/>
	BW	WO 02/098325 A2	12-12-2002	Tayside Flow Technologies Limited	<input type="checkbox"/>
	BX	WO 03/000157 A1	01-03-2003	Advanced Cardiovascular Systems, Inc.	<input type="checkbox"/>
	BY	WO 03/045278 A1	06-05-2003	Tayside Flow Technologies Limited	<input type="checkbox"/>

OTHER - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
			<input type="checkbox"/>

Examiner Signature		Date Considered	
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